

## **REMARKS**

In the Official Action, the Examiner rejected claims 1-27. Claims 1, 2, 12, and 21 have been amended to set forth the recited subject matter more clearly. Further claims 3, 5 and 6 have been amended to recite proper antecedent basis, as a result of the amendments to claims 1 and 2. Claim 18 has been amended to correct a minor typographical error.

Reconsideration of the claims as amended is respectfully requested in view of the remarks set forth below.

### **Objections to the Claims**

The Examiner objected to claim 18, line 2 for having a minor typographical error. Applicants have amended claim 18, such that "serer" has been corrected to recite "server." Applicants respectfully submit that this amendment is sufficient to overcome the Examiner's objection.

### **Rejections under 35 U.S.C. § 102**

The Examiner rejected claims 1-6, 11-13, 16, 19, 21-23, 25 and 26 under 35 U.S.C. § 102(b) as being anticipated by Kampe et al. (U.S. Patent No. 5, 953,010). Specifically, with regard to the independent claims, the Examiner stated:

[Claim 1] Kampe teaches an operating system (col.2, lines 53-60). Kampe teaches a main processor for running the operating system (col.2, lines 40-45). The motherboard contains the main processor of the computer. Kampe teaches a user feedback mechanism for monitoring a plurality of operating conditions of the computing system and to alert the computing system to the plurality of operating conditions independently of the operating system (col.3, lines 5-22). The programs for monitoring are distinct from the operating system program.

[Claim 12] Kampe teaches a plurality of fault tolerant client software components for monitoring

the plurality of operating conditions after system initialization of computing system (col.4, lines 9-19).

[Claim 21] Kampe teaches a computing system for operating condition user feedback (col.2, lines 53-60). Kampe teaches an operating system (col.2, lines 53-60). Kampe teaches a means for monitoring the plurality of operating conditions of the computing system (col.2 lines 53-60). Kampe teaches a means for alerting a user of the computing system to the plurality of operating conditions independently of the operating system. (col.3, lines 5-22).

Applicants respectfully traverse this rejection. Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under Section 102, a single reference must teach each and every element or step of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Thus, if the claims recite even one element not found in the cited reference, the reference does not anticipate the claimed invention.

The Kampe et al. reference generally relates to a user-friendly iconic message display indicating the progress and status of loading and running a system program in an electronic digital computer. Col. 1, 9-14. As discussed in the background of the Kampe et al. reference, status messages are generally displayed on a video monitor in a rapid text format that is unintelligible to a typical user. See Col. 1, lines 15-42. To address these concerns, the Kampe reference discloses converting a system program which originally produced a text-based start up message display into a graphical start up message display which generates and displays user-friendly iconic messages that are readily intelligible to a typical computer user.

Col. 1, lines 45-52. The user-friendly icons are displayed on the system monitor. Col. 1, lines 62-63. Specifically, the Kampe reference discloses a computer 10 which includes a display unit 16 in the form of a video monitor, and a keyboard 18 for data entry. Col. 2, lines 50-53. Thus, the Kampe reference discloses converting text messages to user-friendly icons which are displayed on the system monitor.

In contrast, the present application is directed to providing an operating system-independent user feedback mechanism for a computer system. Col.1, Paragraph 3. As described in the background section of the present application, the operating system and system monitor may be unavailable during certain critical times, such as initialization/ power-up, or operation in low power mode. See Paragraphs 5 and 7. To address these shortcomings up prior systems, the present system is directed to providing a *separate* user feedback mechanism to monitor a plurality of operating conditions of the computing system and to alert a user to the plurality of operating conditions independently of an operating system of the computer system. Paragraph 8. The user feedback mechanism includes a display panel to display a plurality of operating condition messages to the user. Paragraph 8. The feedback mechanism, including the display panel, is operating system-independent and completely separate from the system monitor. Paragraph 8.

While Applicants respectfully submit that the Kampe reference does not disclose a user feedback mechanism that operates independently of the operating system, as recited in the present claims, Applicants have amended independent claims 1, 12 and 21 to set forth the recited subject matter more clearly. Accordingly, claim 1 recites a computer system comprising a system monitor and a user feedback mechanism, “wherein the user feedback mechanism comprises a display panel to display the plurality of operating condition messages.” Similarly, claim 12 recites a computer system having a system monitor and a

feedback mechanism configured to display operating condition messages on a display panel, “wherein the display panel is not part of the system monitor.” Claim 21 recites a computer system comprising a system monitor, means for monitoring a plurality of operating conditions and means for alerting a user to the plurality of operating conditions, “wherein means for monitoring and means for alerting do not comprise the system monitor.”

As clearly set forth in independent claims 1, 12 and 21 the present system includes a system having each of a system monitor and a separate, independent user feedback mechanism including a display panel. The display panel is used to display operating condition messages. Because the display panel is operating system independent and completely separate from the system monitor, the display panel may be implemented during critical operating times, such as power-up and low power mode, as described above and in the background of the present specification.

Because the Kampe reference does not disclose each of a system monitor *and* a separate user feedback mechanism comprising a display panel, the Kampe reference does not disclose each of the elements recited in the present claims. Accordingly, the Kampe reference cannot possibly anticipate the recited subject matter. For at least this reason, Applicants respectfully request withdrawal of the Examiner’s rejection under 35 U.S.C. § 102(b) and allowance of claims 1-6, 11-13, 16, 19, 21-23, 25 and 26.

#### **Rejections under 35 U.S.C. § 103**

The Examiner rejected claims 8-11, 14, 20 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Kampe et al. as applied to claims 1, 12 and 21 and further in view of Ryu (U.S. Patent No. 5,900,026). Further, the Examiner rejected claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Kampe et al. as applied to claim 12 and

further in view of Hsu (U.S. Patent No. 6,374,079). Applicants respectfully traverse these rejections.

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

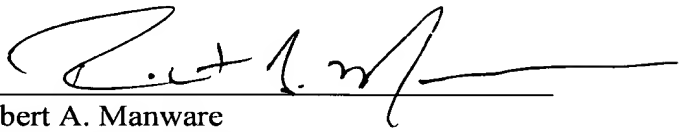
Each of the claims rejected under 35 U.S.C. § 103 is dependent on one of the claims rejected under 35 U.S.C. § 102. For at least the reasons discussed above, Applicants respectfully submit that the cited references fail to disclose all of the elements recited in the present claims. Applicants note that neither the Ryu or Hsu references cure the deficiencies of the Kampe reference as discussed above with regard to the independent claims. Accordingly, none of the cited references either alone or in combination, can possibly render the recited subject matter obvious. In view of these remarks, Applicants respectfully request withdrawal of the Examiner's rejections under 35 U.S.C. § 103(a) and allowance of dependent claims 8-10, 14, 15, 20 and 24 for the reasons set forth above.

**Conclusion**

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of claims 1-27. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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